

Message Text

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E.O. 11652: N/A

TAGS: CA, EIND, EINV

SUBJECT: WHITE CONSOLIDATED INDUSTRIES REQUESTS USG
ASSISTANCE WITH CONTINUING CANADIAN TRADEMARK DIFFICULTIES

SUMMARY: WHITE CONSOLIDATED INDUSTRIES (WCI) CONTINUES
TO ENCOUNTER DIFFICULTIES IN CANADA, HAS AGAIN APPROACHED
USG FOR ASSISTANCE WITH GOC AUTHORITIES. LATEST PROBLEM
INVOLVES ALLEGED ATTEMPT BY CANADIAN APPLIANCE MANUFAC-
TURING COMPANY (CAMCO) TO BLOCK WCI EFFORT TO BECOME
REGISTERED USER OF WESTINGHOUSE TRADEMARK AND TO WREST
WESTINGHOUSE DEALER NETWORK FROM WCI. END SUMMARY.

1. USDOC (BIEPR/FELDMAN) RECEIVED VISIT MARCH 11 AND
FOLLOW-UP TELCON MARCH 17 FROM DANIEL R. ELLIOTT, JR.,
VICE-PRESIDENT FOR LEGAL AFFAIRS, WCI. ELLIOTT WISHED
TO DISCUSS COMPANY'S CONTINUED DIFFICULTIES IN CANADA
AND REQUEST USG ASSISTANCE IN DEALING WITH GOC OFFICIALS.

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2. WCI APPLICATION TO BECOME REGISTERED USER OF
WESTINGHOUSE TRADEMARK ON APPLIANCES MADE IN CANADA HAD
BEEN LONG STALLED IN OFFICE OF TRADEMARK REGISTRAR DUE
TO APPEAL BY CONSUMERS ASSOCIATION OF CANADA (CAC)
OF REGISTRAR'S RULING THAT CAC (AND OTHERS) HAD NO
STANDING TO BE HEARD ON THE MATTER. WCI RECENTLY MET

WITH CAC AND PERSUADED CAC TO DROP APPEAL BY DISPLAYING
COPY OF QUOTE SETTLEMENT AGREEMENT UNQUOTE CONCLUDED

YEAREND 1976 BETWEEN WCI AND WESTINGHOUSE CANADA, NOW A
CAMCO SUBSIDIARY. IN EFFECT, AGREEMENT PLEDGES WCI TO
CONTINUE TO JUNE 30, 1977 ALL LICENSES, PATENTS, AND
PARTS SUPPLY AGREEMENTS WHICH OTHERWISE WOULD HAVE
EXPIRED FEBRUARY 28, 1977. IT ALSO AFFIRMS RIGHT OF
WESTINGHOUSE CANADA TO CONTINUE TO DISPOSE OF EXCESS
INVENTORY CARRYING WESTINGHOUSE MARK AFTER JUNE 30. IN
EXCHANGE, WESTINGHOUSE CANADA RELINQUISHES ALL CLAIM
TO TRADEMARK. IT IS UNDERSTOOD THAT CAMCO WILL MARKET
APPLIANCES UNDER HOTPOINT LABEL.

3. BEFORE TRADEMARK REGISTRAR COULD TAKE FINAL ACTION
ON WCI APPLICATION HE RECEIVED TELEGRAM FROM CAMCO
REQUESTING DELAY UNTIL CAMCO COULD PRESENT INFORMATION
PERTINENT TO DECISION. REGISTRAR AGREED TO DELAY.
CAMCO HAS ALSO WRITTEN TO WESTINGHOUSE DEALER ORGANIZA-
TION SAYING THERE WILL BE CONSIDERABLE CONFUSION AFTER
JUNE 30 DUE TO FACT CAMCO WILL STILL HOLD INVENTORY WITH
WESTINGHOUSE TRADEMARK. CAMCO LETTER INFORMS DEALERS
CAMCO INTENDS TO CHALLENGE WCI CLAIM TO TRADEMARK.

4. WCI CHARGES CAMCO ACTIONS ARE IN VIOLATION OF AGREE-
MENT CONCLUDED BETWEEN WCI AND CAMCO'S OWN SUBSIDIARY.
WCI WROTE TO ITC MINISTER CHRETIEN AND COMPLAINED THAT
THESE ACTIONS BEING TAKEN BY CANADIAN FIRM CREATED WITH
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CHRETIEN'S OWN BLESSING. CHRETIEN OFFERED TO MEET WITH
WCI IF WCI AND CAMCO UNABLE TO RESOLVE DIFFERENCES
THEMSELVES.

5. EMBASSY ACTION REQUESTED: PLEASE DETERMINE CURRENT
STATUS OF WCI REGISTERED USER APPLICATION AND REASON FOR
DELAY IN FINAL PROCESSING. (TRADEMARK REGISTRAR HAS
BEEN EVASIVE WHEN ASKED BY WCI HOW LONG HE WILL DELAY ON

BASIS OF CAMCO TELEGRAM.) AT EMBASSY DISCRETION,
EXPRESS CONTINUED USG INTEREST IN RESOLUTION OF THIS
MATTER TO SELECTED GOC OFFICIALS. NOTE THAT WITH
CANADIAN GENERAL ELECTRIC HOLDING 60 PERCENT OF CAMCO
EQUITY WE MUST PROCEED WITH CAUTION TO AVOID APPEARANCE
OF CHAMPIONING ONE U.S. COMPANY OVER ANOTHER.
FYI: NATIONAL TREATMENT PROVISION OF PARIS INDUSTRIAL
PROPERTY CONVENTION REQUIRES THAT GOC ACCORD TREATMENT
TO U.S. NATIONALS NO LESS BENEFICIAL THAN THAT ACCORDED
TO CANADIANS.

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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
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Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
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SUMMARY: WHITE CONSOLIDATED INDUSTRIES (WCI) C ONT
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